

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

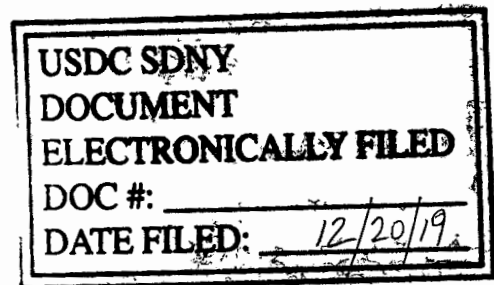
FF SUPPLY, LLC, d/b/a ZENITH INSURED
CREDIT,

Plaintiff,

-against-

BF INTERNATIONAL CO., LTD.,

Defendant.



19cv03557 (CM) (DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

The Court having held a telephone conference on December 18, 2019, with counsel for all parties, it is hereby ORDERED, as stated at the conference, that:

1. If Mikhail Ratner, Esq. ("Ratner"), as counsel of record for defendant BF International Co., Ltd. ("Defendant"), wishes to move to withdraw from representing Defendant in this case, then, no later than December 30, 2019, Ratner shall file a motion for leave to withdraw, as required by Local Civil Rule 1.4 of this Court, and shall serve that motion promptly on Defendant (by fax or email) and file proof of such service.¹ All discovery shall be stayed until December 30, 2019, and, if a motion to withdraw is filed by that date, then discovery shall remain stayed pending resolution of the motion.

¹ This Court notes that the Answer to the Complaint that Ratner filed on behalf of Defendant in this case lists Ratner's law firm affiliation as Emergent LLP ("Emergent"), and it is this Court's understanding that, if Ratner seeks to withdraw, he will be seeking withdrawal on his own behalf and on behalf of Emergent. (See Letter to the Court from Ratner, dated Dec. 18, 2019.) This Court also notes, however, that – possibly because Ratner has failed to update his registration information for the Court's Electronic Case Filing ("ECF") system – the Docket for this action reflects that Ratner's affiliation is with a different law firm, the firm of Silverman, Sclar, Shin & Byrne PLLC. Regardless of whether he moves to withdraw, Ratner is directed to correct any error reflected on the Docket of this action, regarding the identity and mailing address of the law firm that, with Ratner, is Defendant's current counsel of record.

2. If Ratner proceeds to file a motion to withdraw, and Defendant wishes to be heard with respect to that motion, then, no later than January 6, 2020, Defendant should submit a response to the motion to this Court, with a copy to Ratner. This response may be sent by overnight mail or by fax directly to my Chambers at the following address or fax number:

Hon. Debra Freeman, U.S. Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007

Fax: 1-212-805-4658

Defendant's response may be submitted *ex parte*; in other words, it need not be served on counsel for Plaintiff. This Court, in its discretion, will determine whether any response it receives should be filed publicly or if it contains sensitive information that warrants its being placed under seal.

3. Further, this Court anticipates that, if Ratner moves to withdraw, then this Court will hold a conference with counsel for the parties, together with a corporate representative of Defendant (who may appear by telephone, if located in Korea), to address the motion. For this reason, and because of the scheduling difficulties that may be posed by the time zone difference between this jurisdiction and Korea, Ratner is directed to inform this Court, together with any motion to withdraw, of dates and times at which a corporate representative of Defendant can be available for such a conference. This Court has current availability on the morning (9:30 a.m.) of January 7 and 9, 2020, and on the evening (6:00 p.m.) of January 13, 2020.

4. Defendant is cautioned that, if Ratner moves to withdraw and Defendant neither submits a timely response to the motion, nor appears at a motion conference scheduled by the Court, then the motion may be granted as unopposed.

5. Defendant is further cautioned that a corporation may not proceed before this Court *pro se* (meaning without an attorney). For this reason, if this Court permits Ratner to withdraw, then Defendant will need to retain new counsel in order to defend against the claims in this action. Failure to do so may result in the entry of a default judgment against Defendant.

6. If no motion to withdraw is filed by Ratner by December 30, 2019, then this Court will assume that Ratner has decided not to file such a motion, and the discovery stay will be lifted and counsel will be expected to submit, no later than January 3, 2020, a jointly proposed schedule for the completion of all discovery. Given past discovery delays, this proposal should provide expedited deadlines for the completion of paper discovery, and specific dates (and locations) for depositions.

7. Ratner is directed to provide a copy of this Order to Defendant forthwith (again, by fax or email), and to file proof of such service.

8. In light of the rulings herein, the motion for discovery filed by plaintiff FF Supply, LLC, on December 5, 2019 (Dkt. 17) is denied without prejudice, and the Clerk of Court is directed to close that motion on the Docket of this action.

Dated: New York, New York
December 20, 2019

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies to:

All counsel (via ECF)